

**Express Mail No.: EV 313 841 634 US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Dasseux *et al.*

Confirmation No.: 6407

Serial No.: 09/865,989

Group Art Unit: 1654

Filed: May 25, 2001

Examiner: Russel

For: APOLIPOPROTEIN A-I AGONISTS  
AND THEIR USE TO TREAT DYSLIPIDEMIC  
DISORDERS

Attorney Docket No.: 9196-019-999

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR  
PRIORITY UNDER 37 C.F.R. § 1.78**

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.78, Applicants respectfully request acceptance of an unintentionally delayed claim for the benefit of a prior-filed application under 35 U.S.C. § 120.

Applicants respectfully submit that the prior benefit claim did not properly identify all of the prior applications and the relationship between each application to have the benefit of the filing date of the first filed application. The above-identified application was filed May 25, 2001, claiming "[t]his is a continuation of Application Serial No. 09/465,719, filed December 17, 1999." Applicants proper benefit claim should read as follows: "This is a continuation of Application Serial No. 09/465,719, filed December 17, 1999, now Pat. No. 6,265,377, which is a continuation of Application Serial No. 08/940,093, filed September 29, 1997, now Pat. No. 6,037,323." Applicants learned of this improper benefit claim upon the receipt of a final Office Action, mailed July 11, 2003, wherein rejections were issued under 35 U.S.C. § 102(a) and (e), citing a U.S. Patent and PCT Publication filed September 29, 1997.

The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Applicants hereby petition to accept the unintentionally delayed claim for priority under 37 CFR. § 1.78. If this petition is accepted,

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CA1: 351418.1

Applicants respectfully request that the specification of the above-identified application be amended to reflect the proper benefit claim, as provided in the accompanying Amendment and Response under 37 C.F.R. §1.116.

Applicants believe the fee for this Petition is \$1300.00 and request that the fee be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150 (order number 9196-019-999). The Commissioner is authorized to charge the petition fee, and any other required fees or credit any overpayment to Pennie & Edmonds LLP Deposit Account No. 16-1150 (order number 9196-019-999). A copy of this paper is attached.

Respectfully submitted,

Date: September 10, 2003

 42,983

Rahul Pathak (Reg. No.)

For: Laura Coruzzi 30,742

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